

LAURA CURRAN
County Executive



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**COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY**

June 22, 2020

Via ECF

Hon. Steven Tiscione
United States District Court
225 Cadman Plaza East
Brooklyn, New York

Re: Robert Besedin v. County of Nassau
18-CV-00819 (KAM)(ST)

Dear Magistrate Judge Tiscione:

This office represents defendants, Nassau County, the Nassau County Police Department, and Nassau County Police Officers Stephen Beckwith and John Montovani in the above-referenced action. The purpose of this letter is to provide a joint status report.

Plaintiff's attorney has provided an expert's report from a neuropsychologist who examined plaintiff Robert Besedin ("plaintiff") in person. Defendants had scheduled an Independent Medical Examination of plaintiff with Dr. Harold Reiser, a neurologist, for April 1, 2020, however, that examination was postponed due to the Coronavirus. On June 17, 2020 I spoke with Dr. Reiser who stated that after reviewing plaintiff's medical records and plaintiff's expert's report, he does not need to examine plaintiff in person. Dr. Reiser will complete his written report and send it to me within the next two weeks, at which time I will forward it to plaintiff's attorney. Based on Dr. Reiser's advice defendants waive their Fed. R. Civ. P. Rule 35 physical examination of plaintiff. The next step in the discovery process is to conduct party depositions. The County Attorney's office is gradually returning to work in the office beginning next week. Defendants intend to schedule depositions either in person or remotely when their respective schedules permit. Defendants' offer to settle the case for \$175,000 still stands.

Plaintiff's counsel has directed me to include the following as setting forth plaintiff's current position:

" It is Plaintiff's position that the next step is for the County to enter into settlement discussions and provide an meaningful offer greater than \$175,000 to the Plaintiff. This case was adjourned for the sole purpose of allowing limited discovery as to the injuries suffered by our client so that this matter would not have to go through full blown discovery and the depositions of the parties. For Defendants to now state, for the first time, that they now plan to waive their Rule 35 examination is more than surprising. The delay in this matter was caused by Defendants' doctor not being available and now for that unavailability to be

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transformed into the fact that no examination is necessary has been a waste of time. The medicals have been in the possession of the Defendants for over 6 months. The liability of Defendants is clear. The real issue is how bad has Mr. Besedin in hurt. For Plaintiff, depositions of the parties is not the way of moving forward in this case.”

As always, the parties thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: (Via ECF)

Law Offices of Frederick K. Brewington, Attorneys for Plaintiff